

1 **Article 5.**

2 **Records, Fingerprints and Photographs.**

3 § 12-15-100. [GPI] Filing and inspection of records, etc.

4 (a) The following records, reports, and information concerning delinquent or dependent  
5 children or children in need of supervision shall be confidential and not released to any person,  
6 department, agency, or entity, except as provided in subsection (b) of this Section:

7 (1) Social records;

8 (2) ~~medical~~ Medical records; and;

9 (3) ~~psychiatric~~ Psychiatric or psychological records; including;

10 (4) ~~reports~~ Reports of preliminary inquiries and predisposition studies; ~~of delinquent, in~~  
11 ~~need of supervision and dependent children, including~~

12 (5) ~~supervision~~ Supervision records;

13 (6) Birth certificates;

14 (7) State criminal justice information system records

15 (8) Juvenile criminal sex offender notification records;

16 (9) Individualized services plans of dependent children;

17 (10) Individualized education plans;

18 (11) Detention records;

19 (12) Court records; and

20 (13) Demographic information.

21 (b) The records, reports, and information above of such children, shall be filed separate from  
22 other files and records of the court and shall be open to inspection and copying, only by the  
23 following:

1 (1) The judge, ~~and juvenile~~ probation officers, and professional staff assigned to serve the  
2 court.

3 (2) Representatives of a public or private agency or department providing supervision or  
4 having legal custody of the child.

5 (3) Any other person, department, entity, or agency, at the discretion of the judge of that  
6 the juvenile court, determines, after a hearing has a legitimate interest in the case or in the  
7 work of the court, based upon a written request filed with the court stating the following:

8 a. The reason the person, department, entity, or agency is requesting the information;

9 b. The use to be made of the information; and

10 c. The names of those persons or entities that will have access to the information.

11 (4) The adult probation and other professional staff assigned to serve a criminal court,  
12 including the prosecutor and the attorney for the defendant, for use in completing sentencing  
13 standards worksheets and considering the sentence to be imposed upon a ~~convicted~~ person  
14 charged with a criminal offense, or one adjudicated a youthful offender, ~~who, prior thereto,~~  
15 ~~had been a party to the proceedings in court.~~ The access to court records provided in this  
16 subdivision may not be limited to the jurisdiction of the inquiring court

17 (5) The adult probation and other professional staff assigned to serve a criminal court  
18 when investigating or considering youthful offender applications. The access to court  
19 records provided in this subdivision may not be limited to the jurisdiction of the inquiring  
20 court

21 (6) The parent of the child, except when parental rights have been terminated, or guardian  
22 and the counsel and the guardian ad litem of the child.

23 (7) The principal of the school in which the child is enrolled, or the representative of the  
24 principal, and other school officials as the principal deems necessary, upon written petition to

1 the juvenile court setting forth the reasons why the safety or welfare, or both, of the school,  
2 its students, or personnel, necessitate production of the information and without which the  
3 safety and welfare of the school, its students, and personnel, would be threatened: provided,  
4 however, certain information concerning children adjudicated delinquent of certain offenses  
5 shall be provided as set forth in Section 12-15-105.

6 ~~(b8) All or any part of the records enumerated in subsection (a) or information secured~~  
7 ~~from the records, when presented to and used by the judge in court or otherwise in a~~  
8 ~~proceeding under this chapter, shall also be made available to the~~ The parties to the  
9 proceedings and their counsel ~~and representatives.~~

10 ~~(c) All other court records, including the docket, petitions, motions, and other papers filed~~  
11 ~~with a case, transcripts of testimony, findings, verdicts, orders, and decrees shall be open to~~  
12 ~~inspection by those persons and agencies designated in subsections (a) and (b).~~

13 ~~(d)~~ Petitions, motions, court notices, or dispositions shall be open to inspection and copying  
14 by the victim ~~or the victim's representatives.~~

15 (d) Reports by social workers with the department of Human Resources, records on multiple  
16 needs children, and videotapes of child victims shall be open to inspection and copying only by  
17 those persons, departments, agencies, or entities in subsection (b) who have demonstrated to the  
18 judge of the court a need to know the information as provided in subsection (b)(3) above.

19 (e) Any school or educational records, including special education school records and school  
20 incident reports, of delinquent and dependent children and children in need of supervision shall  
21 be open to inspection only by those persons, departments, agencies, or entities in subsection (b)  
22 who have demonstrated to the judge of the court a need to know the information as provided in  
23 subsection (b)(3) above, subject to the provisions of the Family Educational and Privacy Rights  
24 Act.

1 (f) Drug abuse patient records and alcohol abuse patient records of delinquent and dependent  
2 children and children in need of supervision shall be open to inspection only by those persons,  
3 departments, agencies, or entities in subsection (b) who have demonstrated to the judge of the  
4 court a need to know the information as provided in subsection (b)(3) above, subject to the  
5 provisions of 42 U.S.C. Section 290ee-3 and 42 U.S.C. Section 290dd-3, respectively.

6 (g) All records, reports, and information concerning delinquent and dependent children and  
7 children in need of supervision, or the images thereof, described in this section, may be placed  
8 on an automated information sharing system to be shared by those persons, departments,  
9 agencies, or entities in subsection (b) and subject to applicable confidentiality disclosure and  
10 case restrictions imposed by federal and state law.

11 (eh) Whoever, except for the purposes permitted and in the manner provided by this section,  
12 discloses or makes use of or knowingly permits the use of information concerning a child before  
13 the court directly or indirectly derived from the records of the court or acquired in the course of  
14 official duties, upon conviction thereof, shall be guilty of a Class A misdemeanor within the  
15 jurisdiction of the juvenile court.

16 **§ 12-15-101. Maintenance and inspection of law enforcement records, etc.**

17 (a) ~~The court shall, by rule, require all law~~Law enforcement agencies ~~to shall~~ take special  
18 precautions to insure that law enforcement records and files concerning a child will be  
19 maintained in a manner and under such safeguards that will protect against disclosure to any  
20 unauthorized person, department, agency, or entity. Unless a charge of delinquency is transferred  
21 for criminal prosecution under Section 12-15-34 or the court otherwise orders in the interest of  
22 the child or of national security, the records and files with respect to the child shall not be open  
23 to public inspection nor their contents disclosed to the public.

(b) Law enforcement records and files described in subsection (a) shall be open to inspection and copying by the following:

(1) A ~~juvenile~~ court having the child currently before it in any proceeding.

(2) The officers of the Department of Human Resources, the Department of Youth Services, public and ~~nongovernmental-private~~ institutions or agencies to which the child is currently committed and those responsible for his or her supervision after release.

~~(3) Any other person, agency, or institution, upon written request, that the juvenile court determines to have a legitimate interest in the case or in the work of the law enforcement agency.~~

(~~4~~3) Law enforcement officers of other jurisdictions when necessary for the discharge of their current official duties.

(~~5~~4) The ~~adult~~ probation and other professional staff of a court in which the child is subsequently convicted of a criminal offense or adjudicated as a youthful offender for the purpose of a presentence report or other dispositional proceedings, officials of penal institutions and other penal facilities to which the child is committed or a parole board in considering his or her parole or discharge or in exercising supervision over him or her.

(~~6~~5) The probation and other professional staff serving a criminal court when investigating or considering youthful offender applications.

(~~7~~6) The parent, guardian or other custodian and counsel for the child.

(~~8~~7) The principal of the school in which the child is enrolled, or the representative of the principal, and other school officials as the principal deems necessary, upon written petition to the juvenile court setting forth the reasons why the safety or welfare, or both, of the school, its students, or personnel, necessitate production of the information and without which the safety and welfare of the school, its students, and personnel, would be threatened.

(c) Law enforcement records may be viewed by victims during the investigation of a crime at the discretion of the investigating officer.

(d) All law enforcement agencies shall report to the Alabama Criminal Justice Information Center that a child has been charged with an act of delinquency along with any pertinent identifying information or historical data concerning that child, when:

(1) The child is taken into custody and charged with an act of delinquency for an act which would constitute a felony if committed by an adult, or

(2) The child is taken into custody and charged with an act of delinquency for an act which would constitute a misdemeanor, according to subdivision (2) of Section 41-9-622 if committed by an adult.

(e) Whoever, except as provided in subsections (a), (b), and (c), directly or indirectly discloses or makes use of or knowingly permits the use of information concerning a child described in those subsections, upon conviction thereof, shall be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.

**§ 12-15-102. [GPI] Taking and disposition of fingerprints, photographs, blood samples, etc.**

(a) Fingerprints of a child who has been charged with an act of delinquency shall be taken by the law enforcement agency taking the child into custody. The prints may be retained in a local file and a copy shall be filed with the Alabama Bureau of Investigation.

(b) If latent fingerprints are found during the investigation of an offense and a law enforcement officer has reason to believe that they are those of the child in custody, the officer may fingerprint the child regardless of age or offense for purpose of immediate comparison with the latent fingerprints. The prints may be retained in a local file and copies shall be sent to the Alabama Bureau of Investigation.

(c) The court shall, by rule, require special precautions be taken to insure that the fingerprints will be maintained in a manner and under safeguards as to limit their use to inspection for comparison purposes by law enforcement officers or by staff of the depository only in the investigation of a crime.

(d) A child who is charged with an act of delinquency shall be photographed by the law enforcement agency taking the child into custody for criminal identification purposes. A child in custody for any other reason shall not be photographed for criminal identification purposes without the consent of the court. The photographs shall be retained in a local file with the same safeguards in place as for fingerprints.

(e) Blood or other samples necessary for DNA testing may be taken for criminal identification purposes from a child who is charged with an act that would constitute a Class A or B felony if committed by an adult. The samples, if taken, shall be submitted for DNA testing and the DNA records shall be filed with the Alabama Department of Forensic Sciences. The court shall, by rule, require special precautions be taken to ensure that the DNA records will be maintained in a manner and under safeguards that will limit their use to inspection for identification purposes by law enforcement officers or by staff of the testing facility only in the investigation of a crime.

(f) Any person who willfully violates this section shall, upon conviction thereof, be guilty of a Class A misdemeanor within the jurisdiction of the juvenile court.

**§ 12-15-103. [GPI] Proceedings for sealing ~~and destruction~~ of legal and social files and records of courts, probation services, etc., pertaining to certain persons and effect thereof.**

(a) On motion of the part of a person who has been the subject of a delinquency petition or on the court's own motion, the court ~~shall vacate its order and findings and~~ may order the sealing

1 of the legal and social files and records of the court, ~~probation services and of any other agency~~  
2 ~~in the case~~ if it finds that:

3 (1) Two years have elapsed since the final discharge of the person from legal custody or  
4 supervision or two years after the entry of any other court order not involving custody or  
5 supervision; and

6 (2) ~~He~~ The person has not been convicted ~~of a felony or misdemeanor involving moral~~  
7 ~~turpitude~~ or adjudicated delinquent or a youthful offender of any felony or a misdemeanor  
8 involving sex, drugs, weapons or violence, or threats of violence prior to the filing of the  
9 motion and no proceeding is pending seeking such conviction or adjudication.

10 (b) The motion and the order may include ~~the files and records, reports, or information~~  
11 specified in Section 12-15-100.

12 (c) ~~Reasonable notice~~ Notice of the motion shall be given by the clerk of the court to:

13 (1) The prosecutor;

14 (2) The authority granting the discharge if the final discharge was from an institution,  
15 parole or probation; and

16 (3) The law enforcement officers, department and central depository having custody of  
17 the files and records specified in Section 12-15-100 and included in the motion.

18 (d) Upon the entry of the order, the proceedings in the case shall sealed. ~~be treated as if they~~  
19 ~~never occurred and all index references shall be deleted and the court and law enforcement~~  
20 ~~officers and departments shall reply and the person may reply to any inquiry that no record exists~~  
21 ~~with respect to such person. Inspection of the files and records included in the order may~~  
22 ~~thereafter be permitted by the court only upon motion by the person who is the subject of such~~  
23 ~~records and only to those persons named in the motion; provided, however, that the~~ The court in



its discretion may by special order in an individual case permit inspection by or release of information in the records to any clinic, hospital or agency which has the person under care.

(e) Any adjudication of delinquency or conviction of a felony or a ~~crime involving moral turpitude~~ misdemeanor involving sex, drugs, weapons or violence, or threats of violence subsequent to sealing shall have the effect of nullifying the sealing order.

**§ 12-15- . [GP] Proceedings for destruction of legal and social files and records of courts, probation services, etc., pertaining to certain persons and effect thereof.**

(~~fa~~) A person who has been the subject of a delinquency petition and has met the conditions stipulated in subdivision (2) of subsection (a) of ~~this section~~ Section 12-15-103 may, five years after reaching the age of majority, file a motion requesting the destruction of all records pertaining to his or her case. If the court grants the motion, copies of the order shall be sent to all offices or agencies that are repositories of such records and all such offices and agencies shall comply with the order.

(~~gb~~) Upon the entry of a ~~sealing order or a~~ destruction order, all references including arrest, complaint, referrals, petitions, reports and orders shall be removed from all agency, official and institutional files and sealed or destroyed. ~~as aforesaid and a finding of delinquency shall be deemed never to have occurred. No child who has been the subject of such a sealing or destruction order shall be deemed to have been arrested ab initio within the meaning of the general statutes with respect to proceedings so sealed or destroyed and, in response to any inquiry or on any application or in any proceeding, the person may state that he has never been arrested, taken into custody, committed or adjudicated a delinquent with regard to the proceedings so sealed or destroyed.~~

(hc) A person who has been the subject of a delinquency petition shall be notified of his rights under ~~subsections (a) and (f) of this section~~Sections 12-15-103 and 12-15-\_\_\_\_\_ at the time of his final discharge.

**~~§ 12-15-104. Legislative intent.~~**

~~The Legislature reaffirms its belief that juvenile court records, in general, should be confidential. However, it is the intent of the Legislature by Act 99-433, 1999 Regular Session, to provide for limited exceptions to juvenile court record confidentiality to promote more effective communication among juvenile courts, law enforcement agencies, and schools to aid in the rehabilitation of juvenile criminal offenders as well as to lessen the potential for drugs use, violence, and other forms of delinquency.~~

**~~§ 12-15-105. Notice of delinquent acts.~~**

~~(a) Notwithstanding subsections (a) and (c) of Section 12-15-100, written notice that a child enrolled in a school, kindergarten to grade 12, inclusive, has been found delinquent of an act which if committed by an adult would be a Class A or B felony or any other crime at the discretion of the judge shall be provided within seven days to the superintendent of the school district of attendance, or, if the child attends a private school, to the principal of the school. The court shall provide the notice using whatever method it deems appropriate or otherwise as decided by the Administrative Office of Courts. The prosecutor may recommend to the court that notice be given to the school for any delinquent act. Written notice shall include only the offenses, enumerated by the appropriate code section and brief description, found to have been committed by the child and the disposition of the child's case. Where applicable, this notice shall be expeditiously transmitted by the district superintendent to the principal at the school of attendance. The principal shall disseminate the information to those counselors directly supervising or reporting on the behavior or progress of the child. In addition, the principal may~~

1 ~~disseminate the information to any teacher, administrator, or other school employee directly~~  
2 ~~supervising or reporting on the behavior or progress of the child whom the principal believes~~  
3 ~~needs the information to work with the pupil in appropriate fashion or to protect other students~~  
4 ~~and staff.~~

5 ~~(b) Any information received by a teacher, counselor, administrator, or other school~~  
6 ~~employee under this section shall be received in confidence for the limited purpose of~~  
7 ~~rehabilitating the child and protecting students and staff, and shall not be further disseminated by~~  
8 ~~the teacher, counselor, or administrator, except insofar as communication with the juvenile, his~~  
9 ~~or her parents or guardians, law enforcement personnel, and the juvenile's probation officer is~~  
10 ~~necessary to effectuate the juvenile's rehabilitation or to protect students and staff.~~

11 ~~(c) An intentional violation of the confidentiality provisions of this section is a Class A~~  
12 ~~misdemeanor within the jurisdiction of the juvenile court.~~